



Commissioner for Patents United States Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450 www.uspto.gov

GLEN THURBER 2041 SW WESTERN TOPEKA, KS 66604

MAILED

NOV 3 0 2010

OFFICE OF PETITIONS

In re Patent No. 6,554,726

Issue Date: April 29, 2003

Application No. 09/771,822 : ON

Filed: January 29, 2001

Attorney Docket No. 33117.2

ON PETITION

This is a decision in response to a petition filed September 28, 2010, under 37 CFR 1.378(c), to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

A petition under 37 CFR 1.378(c) must be filed within twenty-four months after the six month grace period specified in 35 USC 4l(b). The patent issued on April 29, 2003. The six month grace period for the 3 ½ year maintenance fee expired at midnight on April 29, 2007. Accordingly, an unintentional petition to reinstate the instant patent must have been submitted no later than April 29, 2009. Since the original petition was filed on September 28, 2010, it was not timely filed and the instant patent will not be reinstated under the unintentional provisions of 37 CFR 1.378(c).

Patentee may wish to pursue reinstatement of the patent under the unavoidable provisions of 37 CFR 1.378(b). A petition to accept the delayed payment of a maintenance fee under 35 USC 41(c) and 37 CFR 1.378(b) must be accompanied by (1) an adequate, verified showing that the delay was unavoidable, since reasonable care was taken to insure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent, (2) payment of the appropriate maintenance fee, unless previously submitted, and (3) payment of the surcharge set forth in 37 CFR 1.20(i)(1).

If petitioner does not wish to pursue reinstatement of this expired patent, petitioner may request a refund of the \$490 for the maintenance fee and \$1640 for the surcharge submitted with the petition. The request should be made in writing and addressed to: Mail Stop 16, Director of the U.S. Patent and Trademark Office, P. O. Box 1450, Alexandria, VA 22313-1450. A copy of this decision should accompany petitioner's request.

Further correspondence with respect to this matter should be addressed as follows:

By mail:

Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450

Alexandria, VA 22313-1450

By hand:

Customer Window located at:

U.S. Patent and Trademark Office

Customer Service Window Randolph Building

401 Dulany Street Alexandria, VA 22314

By fax:

(571) 273-8300

ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-6059. Any questions directly concerning a petition under 37 CFR 1.378(b) may be directed to the Office of Petitions Helpdesk at (571) 272-3282.

Alicia Kelley

Petitions Examiner

Office of Petitions